

1 challenge that had been made in November of 1997?

2 A I don't have any recollection of anyone else.

3 Q And given what you've told us in terms of who had
4 responsibility for maintaining the Public File, that is the
5 General Manager, that it certainly would have made sense for
6 Mr. Ramirez to be the one to have looked in the Public File
7 at that time to determine the accuracy of the charges that
8 had been made by Golden Gate Public Radio?

9 A I would say so, yes.

10 MR. SHOOK: Okay. We can move on to question two.

11 (Off the record at 12:37 p.m.)

12 (On the record at 12:29 p.m.)

13 ~~MR. SHOOK: On the record.~~

14 BY MR. SHOOK:

15 Q Okay. Mr. Helgeson, counsel for SFUSD has just
16 read to you at least the first portion of the response with
17 respect to directive two, which was to the effect or which
18 reads, 'On August 1, 1997 did the KALW FM Public Inspection
19 File contain all of the Issues/Program Lists required by
20 then Section 73.3527?' And the response that SFUSD starts,
21 'Yes' and then it goes on from there, and we'll talk about
22 that.

23 A Okay.

24 Q But, in terms of the 'yes' response, were you the
25 person who determined that the response should be yes?

1 A No, I wasn't.

2 Q Do you know who was?

3 A I can only assume that it was Jeff Ramirez.

4 Q Well, okay, let me try to clarify what I'm asking
5 about here. We're talking now about the April 5, 2001

6 letter that is going to the Federal Communications

7 Commission, and the Commission has asked a question,

8 Commission staff has asked a question, or a direct, made a

9 directive that reads, 'On August 1, 1997 did the KALW FM

10 Public Inspection File contain all of the Issues/Program

11 Lists required by then Section 73.3527?' And the response

12 that SFUSD gives to this directive is, 'Yes', and then it

13 ~~goes on from there. Now, in terms of the 'yes' response~~

14 that is made in April of 2001, are you the person who is

15 responding yes?

16 A In April of 2001, I would not have been the

17 person, Nicole Sawaya would have been the General Manager at

18 that point.

19 Q Just for your information, and I think counsel for

20 SFUSD would verify this, there is no declaration from Nicole

21 Sawaya as a part of this April 5, 2001 letter.

22 A Okay.

23 Q The declaration that says that the factual

24 information in this letter is true and correct is from you.

25 A Okay.

1 Q So, with that in mind, are you the person
2 answering yes?

3 A Yes.

4 Q And do you believe that response to be accurate?

5 A I believe the response to be accurate.

6 Q Even though you have also told us that when you
7 looked through the Public File, in preparation for preparing
8 a response to the FCC's letter, that you found that there
9 were documents that were missing, you found that there were
10 documents that should have been there but weren't. I mean
11 did I mis-hear what you told me before?

12 A Do I -- yeah, I want to -- what is the 'yes' that
13 ~~I'm saying 'yes' to? Yes I agree that~~ what Jeff Ramirez
14 said in August 1997 --

15 Q Okay. I'll go over it again, I'll go over it
16 again, okay.

17 A Yeah.

18 Q It's just a yes/no question.

19 A Right.

20 Q- When you go back in time to August 1, 1997, did
21 the Public Inspection File contain the Issues/Programs Lists
22 that were required?

23 A The document that we filed, the district filed --

24 Q Listen to my question.

25 A Okay.

1 Q On August 1, 1997, did the file, did the Public
2 Inspection File contain the Issues/Programs Lists that were
3 required?

4 A I don't -- I didn't have knowledge of that on
5 August 1st 1997.

6 Q Okay. So, let's just say hypothetically that the
7 directive gives you an opportunity to really answer one of
8 three ways?

9 A Okay.

10 Q The first is yes, the second is no, and the third
11 is I don't know?

12 A The answer is I don't know.

13 ~~Q So, on April 5, 2001, the response that should~~
14 have come from SFUSD is I don't know or we don't know?

15 A Personally I didn't know. I saw what Jeff had --
16 I was backing up what Jeff had signed, based on what Jeff
17 had said on August 1st, his declaration.

18 Q And by that you mean the box that he checked for
19 the application?

20 A Yes, if he said it was there, I'm taking Jeff's
21 word for it.

22 Q I see.

23 A I based my 'yes' on his 'yes'.

24 Q Okay. Not on a personal review that could verify,
25 to your satisfaction, that the documents that were supposed

1 to be there were in fact there?

2 A True.

3 Q I mean when you looked, you determined that
4 documents were missing?

5 A When I looked.

6 Q Just before the response to this letter was
7 prepared?

8 A If I saw something missing then we took care of
9 that. But as of August 1st, anything that we said by August
10 1st, my 'yes' is based on Jeff's 'yes'.

11 Q I see.

12 A Not on a personal review of the file on August 1,
13 1997.

14 Q And in order to confirm this 'yes' answer that was
15 made to the Commission in April 2001, did you talk to Jeff
16 Ramirez as to whether or not the Public Inspection File did
17 in fact include all of the required documents in August of
18 1997?

19 A No, I didn't.

20 Q Do you know of anyone who did?

21 A No, I don't.

22 Q Now, the very -- as we read through the response
23 following the 'yes', the last sentence of the first
24 paragraph of that response reads, 'Furthermore, according to
25 information in the files of KALW's counsel, KALW's station

1 management again reviewed the Public Inspection Files in
2 January of 1998 and reported to counsel at that time that
3 the files were in order in accordance with a Public File
4 review check sheet published by the National Public Radio
5 for use by its members (a copy of which is enclosed). In
6 connection with that statement, are you the station
7 management that reviewed the Public Inspection Files in
8 January 1998?

9 A No, I wasn't.

10 Q Do you know who was the station management who
11 reviewed the Public Inspection Files in January 1998 -- I
12 said 1988 initially, I meant 1998, I'm sorry?

13 A 1998, okay. I can only --

14 Q If you don't know, that's perfectly acceptable to
15 say you don't know?

16 A I don't know.

17 Q But, you are not the station management referred
18 to here?

19 A No, I wasn't.

20 Q Now, the first sentence of the next paragraph,
21 which begins at the bottom of page five and carries over to
22 page six of the letter reads, 'However, when KALW's present
23 management reviewed the Issues/Program List file for the
24 period in question, in connection making', there's a word
25 missing, 'in connection making its response to the bureau's

1 inquiry letter, they did not find, for each and every
2 quarter during that period, specifically prepared lists with
3 respect to all locally produced programs but only the
4 nationally produced NPR Issues/Program Lists.' In terms of
5 the present management that is referred to there, are you
6 the present management?

7 A I believe that I and Nicole were the present
8 management. This letter was in response, it kind of covers
9 that period from the time of the February 5th letter to this
10 time, that roughly 60 days there was kind of the transition
11 from me being acting Station Manager to her being Manager.
12 So, I can only assume that on April 5th they were assuming
13 me and Nicole, but that's my assumption.

14 Q Well, would there be anybody other than you and
15 Nicole Sawaya as present management?

16 A At that point, no, that would have been present
17 management.

18 Q And considering that the only declaration that
19 accompanies this letter is from you, certainly you'd be one
20 of the present management that's referenced there?

21 A True.

22 Q Now, this sentence seems to make a distinction
23 between locally produced programs and nationally produced
24 NPR Issues/Program List. Could you enlighten us as to what
25 it is that is being referred to there, what is the

1 difference between these two?

2 A Well, locally produced programs were programs that
3 were generated out of KALW studios, and NPR refers to
4 National Public Radio, and National Public Radio makes
5 available to its member stations issues, quarter issues,
6 reports on issues that its programs, that it provides, its
7 national shows it provides to its stations, descriptions of
8 issues that are covered.

9 Q Now, there is some material that is included as an
10 attachment to this letter, and we're going to go off so that
11 counsel can show you that material and we can determine
12 what's being referred to in the response to the letter, in
13 the body of the letter.

14 A Okay.

15 (Off the record at 12:52 p.m.)

16 (On the record at 1:00 p.m.)

17 MR. SHOOK: Back on the record.

18 BY MR. SHOOK:

19 Q First off, with respect to the KALW Program Guide
20 for April, May and June of 1997, when you looked in the KALW
21 Public Inspection File in February or March, or April,
22 whenever it was that you looked at it for purposes of
23 determining what was there, did you find Program Guides such
24 as the one that was included as an attachment to the April 5
25 letter to the Commission in the Public Inspection File?

1 A I did find some.

2 Q Some, meaning what?

3 A Some meaning I believe there were gaps where there
4 should have been one. I don't -- when I went through I
5 don't recall saying, ah ha, gee, we have a complete set
6 here, that wasn't my -- that we should, to the best of our
7 knowledge find, if we needed to put one in there we would,
8 but I don't recall from what date they weren't there, if it
9 was -- so to the best of our knowledge we weren't able to
10 complete everything. I think for instance the period of
11 1990 or 1991, we don't have anything in there.

12 Q Well, in terms of a Program Guide, just help me to
13 make sure I understand exactly what I'm looking at. The
14 Program Guide covers three months worth of proposed
15 programming on the KALW?

16 A Well, it's printed before it happens, yeah. It
17 happened, yeah.

18 Q Right.

19 A I mean that's our schedule, yeah.

20 Q As a lawyer I get to be hyper-technical on
21 occasion and this is one of those occasions.

22 A Okay.

23 Q I mean the Program Guide talks about what is going
24 to be broadcast, does it not?

25 A Yes.

1 Q Now, I'm willing to grant that in most instances
2 what you have scheduled to broadcast actually broadcasts,
3 that would be your experience?

4 A Yes.

5 Q And in terms of information in a Program Guide
6 that says, you know, on Tuesday at 7:30 p.m. on whatever it
7 is, April blah, blah 1997, we're going to have a
8 conversation with so and so about issue X, and that
9 generally such a thing happens, does it not?

10 A Yes.

11 Q But, there's always the possibility that it won't
12 happen?

13 A Yes.

14 Q Because so and so doesn't show up or so and so
15 gets sick, or so and so, or there's a technical problem at
16 the radio station and it just doesn't happen that night?

17 A Sure.

18 Q So, what we're talking about here is the
19 difference between something that you proposed to broadcast
20 as opposed to a listing of things that you actually did
21 broadcast?

22 A True.

23 Q The next document I want to take a look at is the
24 Quarterly Issues Report for AIDS Update, which is one of
25 the --

1 A Okay.

2 Q Now, can you tell us what AIDS Update was, was
3 that a regular program of some kind?

4 A Yes, it was a regular weekly 15 minute radio
5 program produced to this day at the studios of KALW. It
6 generally is a taped 15 minutes, approximately 15 minute
7 interview between the host, who generally was Alan Farley,
8 and a guest who had a topic related to HIV and AIDS.

9 Q So, the particular list that was included in the
10 April 5 letter that contains, under the column 'Air Date' a
11 series of dates that appear to be spaced one to two weeks
12 apart, presumably would be the date that this particular
13 program aired?

14 A Yes.

15 Q And then under 'First name, last name' those
16 columns would reflect the guests that appeared?

17 A Yes.

18 Q And the position under the column 'position', that
19 would be I guess the title that that person held in whatever
20 organization they worked with?

21 A Yes.

22 Q And then next is the organization itself. For
23 example, for the first row at 4/4/97, Jeff Deluccio Brock,
24 Media Relations Associate for SF AIDS Foundation. I guess
25 SF AIDS Foundation is the organization that he's associated

1 with?

2 A Yes. That's how I would read this.

3 Q And then under miscellaneous it says, 'With Ken
4 Shigamatsu, HIV Resource Guide', and then there's something
5 that appears to be blotted out. I guess what does that
6 mean?

7 A That would probably be some, if there was a second
8 guest on the show, I would read that as on that particular
9 date this was a second person who was also part of the
10 interview.

11 Q I see. And then under the last column, it's kind
12 of hard to read what that is supposed to be but, the
13 initials AF would refer to the person that you said was the
14 host of the program?

15 A Alan Farley.

16 Q Now, this list or this document covers a period
17 that begins April 4, 1997 and ends June 20, 1997. Do you
18 have any knowledge as to when the document that we are
19 looking at was actually generated?

20 A I don't have that information.

21 Q And looking at the document, there's nothing that
22 I can see on it but perhaps there's something you may know
23 that would tell you when this document was generated?

24 A Nothing that I can see. It looks like it might
25 have been generated on a spread sheet of some kind, computer

1 spread sheet. I don't see any.

2 Q Did you have any role in generating this document?

3 A No.

4 Q When you looked in the Public File in February,
5 March, April of 2001, was this a document that you found in
6 the KALW Public File or was this one that was placed in the
7 file at that time?

8 A This particular piece of paper I can't recall. I
9 can't honestly recall this particular piece of paper.

10 Q Now, moving on to the next document which is the
11 document pertaining to City Visions, the document has a
12 number of markings on it and a number of typed, some typed
13 information on it. It includes both Spring 1997 and Summer
14 1997, and under Summer 1997 it begins 7/7/97 and it goes
15 through 10/6/97, which would certainly suggest that this
16 document was prepared sometime after October 6, 1997. You
17 would agree with that?

18 A Yes.

19 Q And in fact, when you go to the second row of
20 information, first you see the name John Cobell and then
21 next you see a telephone number which I would presume is the
22 telephone number of the radio station. And then after that
23 there appears a date of 10/24/97.

24 A Okay.

25 Q Would it be your understanding that the document

1 that we're looking at was generated on or about October 24,
2 1997?

3 A A facsimile of this document was generated on
4 October 24, 1997, it appears to me that this would be a fax
5 of a document, but yes, I would say this document was
6 generated on, what did we say on the fax, 10/24?

7 Q Right.

8 A Yes.

9 Q Do you recall whether or not this particular
10 document was in fact in the station Public File when you
11 were reviewing the Public File contents in February, March
12 or April of 2001?

13 A I don't specifically recall this piece of paper.

14 Q Now, in terms of the Quarterly Issues/Programs
15 Listing where it deals with Issues/Programs from National
16 Public Radio programs, apparently it consists of 12 pages?

17 A Yes.

18 MS. REPP: Can I take this out?

19 MR. SHOOK: Yes, please, help me.

20 THE WITNESS: Okay.

21 BY MR. SHOOK:

22 Q And on the first page, when you look underneath
23 the fax information that appears at the very top line, the
24 second line, in very small print reads, 'Quarterly
25 Issues/Program List Quarter 1 1997", and then when you go to

1 the far right hand corner of the page it reads, 3/14/01 2:07
2 p.m. Do you have any knowledge as to whether that 3/14/01
3 at 2:07 p.m. represents the time at which this document was
4 generated?

5 A I would agree that's when it was generated.

6 Q When you looked in the station Public File in
7 February, March or April of 2001, whenever it was that you
8 looked, did you find this document or did you have to
9 generate this document and then place it in the Public File
10 in March of 2001?

11 A We generated the document.

12 MR. SHOOK: There's a little bit more of this, how
13 do you want to -- why don't we go off the record.

14 (Thereupon, the testimony was recessed at 1:12
15 p.m.)

16 //

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1 A F T E R N O O N S E S S I O N

2 MR. SHOOK: Go back on.

3 (On the record at 2:09 pm.)

4 EXAMINATION RESUMED

5 BY MR. SHOOK:

6 Q When we left off, Mr. Helgeson, we were focusing
7 on page six of the April 5, 2001 letter. And I would ask
8 counsel for SFUSD to refer to that page.

9 MS. REPP: Page six?

10 MR. SHOOK: Yes.

11 MS. REPP: Okay. Do you want me to --

12 MR. SHOOK: We're going to move on to the next
13 question or directive.

14 BY MR. SHOOK:

15 Q And it appears in the middle of page six, and it
16 reads, 'Issues/Programs List/Second Inquiry, did any lists
17 that were in the file contain information required by
18 Section 73.3527?' The response reads, 'SFUSD and the
19 present management of KALW FM believe that its
20 Issues/Program List file contained all information required
21 by then Section 73.3527, but as stated above cannot
22 presently account for a limited number of lists of
23 significant issues that were treated in locally produced
24 programs.' When the response refers to the present
25 management of KALW FM, is that present management you?

1 A In April, I believe it's just me, it may be me and
2 Nicole Sawaya who was Station Manager at that time. I don't
3 know, in this letter, when they say current management, who
4 they, you know, if it was -- what distinction was being
5 made.

6 Q Well, again referring to the declaration that was
7 supplied with the letter, considering that the only
8 declaration that we're aware of was from you, we're working
9 on the assumption that you were the present management
10 referred to?

11 A Okay.

12 Q Would that be consistent with your understanding?

13 A My understanding is that in April Nicole Sawaya
14 was the General Manager of the station. So, in April they
15 were saying current management, my assumption was that it
16 was her and I or her. I know that there is, you know, I
17 understand what you said that I'm the only one that has a
18 declaration in here.

19 Q All right. So, either it is Nicole Sawaya or you,
20 or both of you?

21 A Uh-hum.

22 Q That would be a yes?

23 A Yes.

24 Q Now, moving on, the next paragraph under
25 'Details', I'll read it out loud and then I'll focus on the

1 sentence that I want you to focus on. 'A very large number
2 of KALW's locally produced programs contained significant
3 treatments of issues of importance in the San Francisco
4 community, series such as City Visions, which explores
5 issues relating to health care, the environment, the economy
6 and government in the Bay Area, Your Legal Rights, AIDS
7 Update and Outright Radio, as well as many individual public
8 affairs and documentary programs, including the Board of
9 Education meetings which are broadcast live, provide
10 significant treatment of public issues of great importance
11 to the community, including but not limited to the public
12 education of its children. Likewise, KALW broadcasts a
13 number of National Public Radio, NPR, and Public Radio
14 International, PRI, programs which, although nationally
15 produced and distributed, treat numerous issues that are of
16 great significance to the people of San Francisco. Lists
17 and other material regarding both categories of programs are
18 placed and maintained in KALW's Public File.'

19 That statement that I just read, 'Lists and other
20 material regarding both categories of programs are placed
21 and maintained in KALW's Public File', are you the person
22 who is placing those lists in the Public File?

23 A On what date?

24 Q This would be in April of 2001?

25 A In April 2001?

1 Q Yes. Was there anybody else who was placing lists
2 and other material regarding both categories of programs in
3 the KALW Public File?

4 A In April of 2001, no. I was turning, effectively
5 management was being turned over from me to Nicole Sawaya in
6 March 2001, April, that was the transition time.

7 Q Then the next sentence that appears at the top of
8 page seven reads, 'While present management of KALW did not
9 find discrete specifically prepared program lists for every
10 quarter during the period in question, in the format that
11 fits precisely with the language used in then Section
12 73.3527(a)(7), the file, nevertheless, contains and did
13 contain on August 1, 2001", which I presume was supposed to
14 be August 1, 1997, since it's April 2001, so as clairvoyant
15 as we may be --

16 A Yes.

17 Q -- we don't necessarily know what's going to be
18 ahead.

19 A Yeah.

20 Q '-- the documentation required by the rule and by
21 form 303's certification.' Now, considering that I had a
22 humorous aside in there, I'd better read that sentence
23 again. 'Thus, while present management of KALW did not find
24 discrete specifically prepared program lists for every
25 quarter during the period in question, in a format that fits

1 precisely with the language used in then Section
2 73.3527(a)(7), the file nevertheless contains, and did
3 contain on August 1, the documentation required by the rule
4 and by form 303 certification.' Are you the person who is
5 making the claim that first of all the present management
6 did not find discrete specifically prepared program lists
7 for every quarter in the period in question, which would
8 refer to the license term that ended in December of 1997?

9 A We are referring to, we are referring to Jeff
10 Ramirez's statement that he made in 1997.

11 Q And that is all you're referring to?

12 A Yes. And as far as, where it says lacks discrete
13 quarterly, yes.

14 Q And the assertion that the file nevertheless
15 contains and did contain the documentation required by the
16 rule and the certification, is based on Mr. Ramirez's
17 certification in 1997?

18 A Correct.

19 Q And it's not based on a personal review that you
20 made of the file on or about that period?

21 A No. It's based on what Jeff said in 1997, we went
22 on as true.

23 Q The next paragraph, the first sentence reads, 'For
24 each quarter of the period in question, the file contains,
25 at a minimum, a copy of KALW's Quarterly Program Guide.'

1 Now, before we broke for lunch, one of the things that we
2 talked about was the KALW Program Guide. And we looked at
3 the Program Guide for the period April, May and June of
4 1997. And I believe I asked you a question whether there
5 was a similar Program Guide for each quarter of the license
6 renewal period that was covered by the July 1997
7 certification made with the application filed August 1,
8 1997. And if I remember correctly, your testimony was to
9 the effect that there were a number of quarters where no
10 such guide had appeared in the file when you looked at it?

11 A I did say that, yes. I don't recall if those
12 guides reflected the period we're discussing, 1991 through
13 1997 or 1997 through that date in 2001.

14 Q Okay, fair enough. Thinking about it again
15 though, when you looked at the file in April, March or April
16 of -- excuse me -- when you looked at the file in February,
17 March or April of 2001, did you find Quarterly Program Guide
18 for the license renewal period that would have run from 1991
19 to 1997?

20 A I can -- given my memory, I cannot honestly state
21 absolutely what I remember seeing every single quarter for
22 what would be 1991 to 2001, which would have been quite a
23 few program guides.

24 Q Right. Except that this letter, if you recall
25 this letter is focusing on the certification that was made

1 August 1, 1997?

2 A Right.

3 Q And so, you know, at that point the Commission is
4 saying, or asking, when that certification was made, what
5 was in the Public File. One of the questions here or one of
6 the statements being made here is that on August 1, 1997, t
7 the least there were program guides in the station's Public
8 File for all of the quarters?

9 A The only one who, as far as I know, could certify
10 to that would be Jeff Ramirez, who actually did certify that
11 in August of 1997.

12 Q The problem that we have here though is that we're
13 now in April of 2001 and the Commission is saying, you know,
14 we've got some reason to be concerned about that
15 certification, and so what we want is can you tell us what
16 was in the file on August 1, 1997. And one of the
17 statements that's made, that we just went over, was that at
18 the least or at a minimum a copy of the Program Guide for
19 all of the quarters that would have been the subject of that
20 certification that Mr. Ramirez made were in fact in the
21 Public File. And I just want to clarify what your current
22 recollection is, when you looked at the Public File, were
23 those Quarterly Program Guides there for the period covered
24 by the certification?

25 A In 2001, when I looked at the Public File,

1 thinking back on it, I cannot say with certainty that every
2 single one was there. I just, my memory just doesn't go to
3 every single quarter from 1991 to 1997.

4 Q Fair enough. The next sentence reads, 'The
5 Program Guide provides all required information regarding
6 programs, local and national, that provided significant
7 treatment of issues of public importance during the quarter,
8 including the time, date, title and duration of all such
9 programs.' Now, correct me if I'm wrong but, I understood
10 that Program Guide to be a projection of what the station
11 intended to broadcast, as opposed to what the station
12 actually did broadcast?

13 A The Program Guides were obviously produced before
14 the quarter began, so the time that the Program Guides are
15 produced, it's a projection of what we will carry. The
16 actual what was carried, it was some very high percentage,
17 in case maybe the transmitter blew up one day or, you know,
18 knocked us off the air or something, so that some specific
19 item in the Program Guide, some specific items perhaps
20 didn't get aired. But, the Program Guide, like you say, is
21 a projection of what should be on in that quarter.

22 Q Now, the next sentence reads, 'Also included in
23 this file for each quarter in the period are lists of issues
24 of public importance that receive significant treatment in
25 nationally produced programs provided to KALW by National

1 Public Radio.' And when the sentence, in the context of
2 this paragraph, talks about included in the file for each
3 quarter in the period, we already went over the one document
4 that was supplied from National Public Radio that reflected
5 that it wasn't even produced until March of 2001. That's
6 when that document was in fact produced, was it not?

7 A True.

8 Q Or created?

9 A Created. Downloaded off the internet.

10 Q Downloaded. So, as far as that goes, in terms of
11 what was in the file in August of 1997, it couldn't have
12 included the one document that we actually looked at, that
13 wasn't even produced or created until March of 2001?

14 A True.

15 Q Now, with respect to other National Public Radio
16 documents, are you aware of whether or not there were other
17 quarters in the license renewal period covered by the August
18 1, 1997 renewal application, where there were no National
19 Public Radio lists when you looked in February, March or
20 April of 2001?

21 A I believe there were and what we did, when we
22 discovered the NPR issue site, we looked for quarters and we
23 just found that there was a quarter for several years back,
24 I don't remember, I don't know how far back it goes, I don't
25 believe -- it obviously was not, given technology there

1 wasn't an NPR internet site back in 1991 or 1992 I'm sure.
2 And with the help of a volunteer we downloaded all quarters
3 that we could find. They were very substantial reports
4 about what NPR did, which obviously are shows that we
5 carried.

6 Q Substantial they are, no doubt. The next sentence
7 reads, 'SFUSD believes and avers that these materials were
8 present in the file on August 1, 1997.' That statement
9 can't be true, can it?

10 A It can't be in that case, since we were, in
11 August, we were saying what Jeff Ramirez certified to on
12 August 1.

13 MR. SHOOK: I'm going to focus on the response to
14 directive number four. Why don't we go off the record for
15 that.

16 (Off the record at 2:26 p.m.)

17 (On the record at 2:27 p.m.)

18 MR. SHOOK: Go back on.

19 BY MR. SHOOK:

20 Q This sentence, the first sentence in response to,
21 well, that KALW SFUSD submitted to the Commission reads,
22 'The present General Manager and Operations Manager of KALW
23 have completely reviewed KALW's Public Inspection File and
24 made sure that it contains all required documents, reports
25 and information through to the present.' The Operations